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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/656,570	09/05/2003	Reginald A. Goodman	EXOB-216R-1	7854

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SHERMAN D PERNIA, ESQ., PC  
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HOUSTON, TX 77058-3310

EXAMINER
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FIELDS, COURTNEY D

ART UNIT	PAPER NUMBER
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2137

DATE MAILED: 07/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/656,570

Applicant(s)

GOODMAN ET AL.

Examiner

Courtney D. Fields

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 17 April 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

1. Claims 1-26 are pending.

### ***Response to Arguments***

1. Applicant's arguments with respect to claims 1-26 have been considered but are moot in view of the new ground(s) of rejection, Tremain (Pub No. 2002/0069369)

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-6 and 26 are rejected under 35 U.S.C. 102(e) as being anticipated by Tremain (Pub No. 2002/0069369).

As per claim 1, Tremain discloses an intrusion secure computer system comprising: a CPU (See page 7, Section 0088), a data storage means (See page 7, Section 0088), a memory means (See page 7, Section 0088), an operating system (See page 7, Section 0088), a virtual machine operating system (See page 7, Section 0088), and at least one I/O connection in operative communication with a data source (See page 7, Section 0088 and page 15, Section 0198).

As per claim 2, Tremain discloses the claimed limitation wherein the data source is a global computer network (See page 15, Section 0198).

As per claim 3, Tremain discloses the claimed limitation wherein the data source is other than a global computer network (See page 15, Section 0198).

As per claim 4, Tremain discloses the claimed limitation wherein the data source is other than a global computer network is at least one data source selected from the group consisting of: a computer workstation, a personal-type computer, a computer dock, a local area network, an intranet, and a wide area network (See page 2, Section 0021, page 15, Section 0198 and Section 0202).

As per claim 5, Tremain discloses the claimed limitation wherein the virtual machine operating system comprises software for defining a virtual machine environment in memory and a virtual drive in storage, and operational control software limiting operative communication with the data source to the virtual machine environment and the virtual machine drive (See page 14, Section 0187 page 15, Section 0194).

As per claims 6 and 26, Tremain discloses a method for securing a computer system from intrusion from an external data source comprising the steps of:

providing an intrusion secure computer system of claim 1 (See page 10, Sections 0136-0137 and page 15, Section 0198),

initiating an external data source interface session, and causing activation of a virtual machine operating system of claim 1, and defining a virtual machine environment

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in memory and a virtual drive in storage (See page 13, Sections 0173-0174 and page 15, Sections 0194-0198),

and establishing connectivity with the external data source under control of the virtual machine operating system to isolate operative communication with the external data source to the virtual machine environment and the virtual drive to secure the computer system from intrusion from the external data source (See page 10, Sections 0134-0135 and page 6, Section 0079).

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 7-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tremain in view of White et al. (U.S. Patent No. 6,526,488). As per claim 1, Tremain discloses a method and apparatus for providing computer services. However, Tremain does not explicitly disclose controlling access to corrupt information on a computer system caused by a PC virus.

As per claim 7, (Tremain as modified) discloses a software application installable on a personal computer, the software protecting the computer's primary data files from being accessed by malicious code from an external data source, the software comprising: computer code for a isolated operating environment, and computer code for

a secondary operating system functional within the isolated operating environment (See White et al., Column 9, lines 11-31)

As per claim 8, (Tremain as modified) discloses the claimed limitation wherein the isolated operating environment computer code includes POS permission code for modifying the POS permissions (See White et al., Column 9, lines 1-6)

As per claim 9, (Tremain as modified) discloses the claimed limitation wherein the secondary operating system computer code includes POS permission code for modifying POS external data source related access permissions (See White et al., Column 9, lines 7-9)

As per claim 10, (Tremain as modified) discloses the claimed limitation wherein the external data source is at least one source selected from the group consisting of a network node, an external node, and an I/O device (See White et al., Column 10, lines 24-49)

As per claim 11, (Tremain as modified) discloses the claimed limitation wherein the secondary operating system computer code includes POS permission code for modifying POS Internet related permissions (See White et al., Column 10, lines 41-49)

As per claim 12, (Tremain as modified) discloses the claimed limitation wherein the secondary operating system computer code includes POS permission code for modifying POS Inet permissions (See White et al., Column 6, lines 54-67, Column 7, lines 1-24)

As per claims 13 and 24, (Tremain as modified) discloses the claimed limitation wherein the isolated operating environment computer code includes installation code for

checking and setting the isolated operating environment (See White et al., Column 7, lines 62-67)

As per claim 14, (Tremain as modified) discloses the claimed limitation wherein the installation code checks for the current installation condition of the software application (See White et al., Column 7, lines 24-35)

As per claim 15, (Tremain as modified) discloses the claimed limitation wherein the installation code copies any files from the software application as are necessary in view of the check for current installation condition of the software application (See White et al., Column 7, lines 52-59)

As per claim 16, (Tremain as modified) discloses the claimed limitation wherein the installation code establishes short-cuts as are necessary in view of the check for current installation condition of the software application (See White et al., Column 7, lines 36-51)

As per claim 17, (Tremain as modified) discloses the claimed limitation wherein the isolated operating environment computer code includes code checking and setting the isolated operating environment start up requirements (See White et al., Column 7, lines 6-15)

As per claims 18 and 25, (Tremain as modified) discloses the claimed limitation wherein the isolated operating environment computer code includes code checking and setting the isolated operating environment start up requirements regarding "freshness" of the SOE files, allocation of volatile memory to the SOE, allocation of data storage to the SOE, READ ONLY condition of the primary operating system partitions and

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connections, state of intranet activity, READ ONLY condition of user access to primary operating system partitions (See White et al., Column 9, lines 32-67, Column 10, lines 1-20)

As per claim 19, (Tremain as modified) discloses the claimed limitation wherein the isolated operating environment computer code includes code checking and setting the isolated operating environment runtime requirements (See Tremain, page.

As per claim 20, (Tremain as modified) discloses the claimed limitation wherein the isolated operating environment computer code includes code checking and setting the isolated operating environment runtime requirements to provide at least two run modes (See Tremain, page.

As per claim 21, (Tremain as modified) discloses the claimed limitation wherein the isolated operating environment computer code includes code checking and setting the isolated operating environment runtime requirements to provide at a run mode with inet access and a run mode without inet access (See Tremain, page.

As per claim 22, (Tremain as modified) discloses the claimed limitation wherein the isolated operating environment computer code includes code checking and setting the isolated operating environment exit requirements (See Tremain, page.

As per claim 23, (Tremain as modified) discloses the claimed limitation wherein the isolated operating environment computer code includes code checking and setting the isolated operating environment exit requirements includes disconnecting (the SOE) from the inet, closing the node interface, freeing the SOE volatile memory allocation, flush the temporary data storage allocation, disconnect from any SOE files and



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partitions, refresh SOE boot file, and restore intranet connection (See White et al., Column 8, lines 5-67)

Therefore it would have been obvious to a person having ordinary skill in the art at the time the invention was made to modify Tremain's computer services method by combining White's method for controlling access and setting permissions preventing a PC virus. Motivation for such an implementation would enable the user to determine if a security violation existed prior to the virus which exists within the software applications (See White et al., Column 4, lines 17-30)

### ***Conclusion***


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Courtney D. Fields whose telephone number is 571-272-3871. The examiner can normally be reached on Mon - Thurs. 6:00 - 4:00 pm; off every Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Emmanuel Moise can be reached on 571-272-3865. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

cdf  
July 24, 2005

  
MATTHEW SMITHERS  
PRIMARY EXAMINER  
*Art Unit 2137*